



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Michael B. Zemel

Appl. No. 10/827,296

**Confirmation No. 2568**

Filed: April 20, 2004

For : METHOD OF REDUCING RISK OF A  
WEIGHT-RELATED HEALTH  
DISEASE

Art Unit : 1616

Examiner: Webman, Edward J.

Atty. Docket No. 31894-202098

Customer No.

**26694**

PATENT TRADEMARK OFFICE

**TERMINAL DISCLAIMER UNDER 37 CFR 1.321**

Sir:

The University of Tennessee Research Foundation, formerly The University of Tennessee Research Corporation, assignee of the entire right, title and interest in the captioned application by virtue of an Assignment having been recorded at the United States Patent and Trademark Office at Reel 018819/Frame 0083, on January 29, 2007, a Change of Name having been recorded at Reel 018819/0129, on January 29, 2007, and a Change of Name having been recorded at Reel 018819/Frame 0324, on January 29, 2007, hereby disclaims except as provided below the terminal part of the statutory term of any patent granted on the captioned application, which would extend beyond the expiration date of the earlier of the full statutory term defined in 35 U.S.C. §154 and §156 of U.S. Patent 6,384,087 (the '087 patent) or any patent granted on pending U.S. Patent Application Number 10/066,057 (the '057 application) and hereby agrees that any patent so granted on the captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the '087 patent

or any patent granted on the '057 application, this agreement to run with any patent granted on the captioned application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim any terminal part of any patent granted on the captioned application prior to the expiration date of the term defined in 35 U.S.C. §154 in the event that the '087 patent or any patent granted on the '057 application, expires for failure to pay a maintenance fee, is held unenforceable or is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant, or is otherwise not deemed to provide the rights conveyed by 35 U.S.C. §154 prior to the expiration of its full statutory term, except for the separation of legal title stated above.

The undersigned is the assignee of the '087 patent by virtue of an Assignment for application No. 09/654,357 having been recorded in the United States Patent and Trademark Office at Reel 011171/Frame 0089, on October 25, 2000, a Change of Name having been recorded at Reel 018797/Frame 0097, on January 24, 2007, and a Change of Name having been recorded at Reel 018806/Frame 0787, on January 26, 2007.

The undersigned is also the assignee of the '057 application by virtue of an Assignment for this application having been recorded in the United States Patent and Trademark Office at Reel 012601/Frame 0916, on April 19, 2002, a Change of Name having been recorded at Reel 016401/Frame 0725, on October 1, 2004, and a Change of Name having been recorded at Reel 018818/Frame 0487, on January 29, 2007.

Done this 6th day of February, 2007 by the undersigned officer of The University of Tennessee Research Foundation, formerly The University of Tennessee Research Corporation, and duly authorized to act for the assignee under the laws of the United States.

By 

Name: Fred D. Tompkins

Title: President

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